THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

A.S.No.1315 of 2002

Date: 20.04.2018

Between:

The Special Deputy Collector,
Land Acquisition,
Somasila Project Unit-I,
Badvel. … Appellant

And

Kothur Somi Reddy S/o.Somi Reddy
and two others … Respondents

Counsel for the Appellant : G.P. for Appeals (AP)

Counsel for the Respondents: ----

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The Special Deputy Collector, Land Acquisition, Somasila Project Unit-I, A.P. (hereinafter referred to as 'the L.A.O.'), filed this appeal, feeling aggrieved by award and decree dated 10.04.1987 in L.A.O.P.No.228 of 1985 on the file of the Subordinate Judge, Rajampet (for short 'Reference Court'), whereby he has enhanced the compensation for the agricultural land belonging to the respondents-claimants, from Rs.7550/- to Rs.18000/- per acre.

2. Shorn of unnecessary details, it is evident from the record that the respondents-claimants, have adduced oral and documentary evidence by examining respondent No.1-claimant, as RW-1 and the purchasers as RWs-2 and 3 and getting marked exhibits - B1 and B2, the copies of the sale deeds executed by one Chamarti Balaramaraju in favour of RWs-2 and 3 respectively. The Reference Court while holding that exhibits B1 and B2 appear to be sham documents as they were executed after the proposed acquisition was known, however observed that the sale consideration mentioned therein cannot be said to be an exaggeration. It has relied upon the preliminary valuation report prepared by the Special Deputy Collector, following his inspection of the land and the fact that the L.A.O. has reduced the value mentioned in the said preliminary valuation report to one half, for enhancing the compensation from Rs.7750/- fixed by the L.A.O., to Rs.18000/- per acre.

3. As we notice from the record, none of the claimants are parties to exhibits B1 and B2. It is not brought out on record by the LAO that RWs 2 and 3, who are purchasers of the properties under the said documents, are even remotely connected with the acquired lands. Therefore, the theory that Ex.B1 and B2 must have been brought into existence on the factum of proposed acquisition being known, is far-fetched and irrational. From the mere fact that the transaction was entered in respect of lands other than the acquired land by parties totally unconnected with the claimants, after the proposal for acquisition came to light, no presumption can be drawn that such transactions must have been brought into existence in order to escalate the prices. Unless it is specifically pleaded and proved before the court that the parties involved in the transactions have any interest in the land proposed to be acquired, such an inference or presumption, is wholly unwarranted. Therefore, we do not find any reason as to why exhibits B1 and 2 can be discarded. Ex.B1 was executed on 29.10.88 and Ex.B2 was executed on 07.11.1978, whereas, notification under Section 4 (1) was published on 31.10.1980. Thus, there is time lag of more than 3 years between Ex.B1 and the date of Section 4 (1) notification and nearly 2 years between Ex.B2 and the said notification. Even if we take the sale consideration of Rs.15000/- per acre, as reflected in the two documents, the claimants are entitled to a reasonable escalation for the time gap of 3 years between Ex.B1 and Section 4 (1) notification.

Though the reasons assigned by the Reference Court are not sound, in the light of the reasons which we have recorded herein above, enhancement of compensation to Rs.18000/- per acre, by the Reference Court, by no means can be said to be unreasonable or illegal.

4. For the aforementioned reasons, we do not find any reason to interfere with the award of the court below.

5. The appeal is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 20th April, 2018

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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते